

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Cape May Road, 2200' E of
Carvel Road
(1903 Cape May Road)
15th Election District
7th Councilmanic District

William A. Miner, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-29-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1903 Cape May Road, located in the Back River Neck area of southeastern Baltimore County. The Petition was filed by the owners of the property, William A. and Elizabeth A. Miner. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing swimming pool and attached deck to be located outside of the required rear yard area. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

It is to be noted that this matter originally came before the Zoning Commissioner's Office through the administrative variance process; however, because this office received negative comments from the Department of Environmental Protection and Resource Management (DEPRM), the matter was scheduled for a public hearing to determine the appropriateness of the relief sought.

Appearing at the public hearing held before me on behalf of the Petition were William A. Miner, legal owner, and Dennis Prestianni, who resides on the property. No one appeared in opposition to the request.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of 0.94 acres, more or less, zoned D.R. 3.5 and is improved with three dwellings and a swimming pool. The property is located within the Chesapeake Bay Critical Areas on Hogpen Creek. The dwelling and swimming pool which are the subject of this case are known as 1903 Cape May Road and are located towards the front of the property, approximately 20 feet from the water line. Testimony revealed that Mr. Prestianni resides on the property and that in 1985, he placed an above-ground swimming pool on the side of the dwelling adjacent to the water. He recently erected a deck around the perimeter of the pool. The instant Petition was filed to legitimize the location of the pool, which, pursuant to the B.C.Z.R., is required to be located in the rear yard.

Testimony indicated that the pool was erected in the side yard because the existing dwelling is located close to the rear property line. Initial comments from the Department of Environmental Protection and Resource Management (DEPRM) recommended a denial of the relief requested because the pool is located within the required 100-foot buffer from Hogpen Creek. In fact, it appears that the dwelling itself is located within this 100-foot buffer. After further discussing the matter with the Petitioners, DEPRM revised its comments and agreed to "grandfather" the pool, inasmuch as it was constructed prior to the effective date of Critical Areas legislation which governs development on or near the Chesapeake Bay and its tributaries. There being no adverse comments submitted by any Baltimore County reviewing agency and no opposition from any adjoining property owner, it appears that the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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By

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. As noted above, the subject pool has existed in its present location for nearly 10 years without any complaints from surrounding property owners. Furthermore, it has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and to require strict compliance with the zoning regulations would cause undue hardship upon the Petitioners. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of October, 1994 that the Petition for

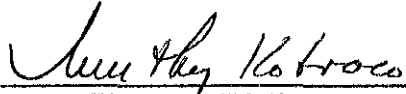
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Date

By

Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing swimming pool and attached deck to be located outside of the required rear yard area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that a 30-day appeal period is in effect from the date of this Order. In the event the decision in this matter is appealed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 26, 1994

Mr. William A. Miner
1905 Cape May Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Cape May Road, 2200' E of Carvel Road
(1903 Cape May Road)
15th Election District - 7th Councilmanic District
William A. Miner, et ux - Petitioners
Case No. 95-29-A

Dear Mr. Miner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Dennis Prestianni
1903 Cape May Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File

MICROFILMED



32



Petition for Administrative Variance

95-29-A

to the Zoning Commissioner of Baltimore County

for the property located at

D.P.

1903 CAPE MAY RD

which is presently zoned

DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1. (BCZR) TO PERMIT A POOL

TO BE LOCATED OUTSIDE OF THE REQUIRED REAR YARD AREA.

D.P.

(POOL IS EXISTING)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

THE ZONING REGULATIONS CANNOT BE MET ON MY PROPERTY BECAUSE BACK YARD IS INSUFFICIENT FOR POOL

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY

DATE

7/28/94

08/07/94



Printed with Soybean Ink on Recycled Paper

Zoning Commissioner of Baltimore County

ITEM #:

32

ORDER RECEIVED FOR FILING

DATE

BY

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1903 CAPE MAY RD
address
BALTO MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (indicate hardship or practical difficulty)

THE ZONING REGULATIONS CANNOT BE MET
ON MY PROPERTY DUE TO INSUFFICIENT AREA
FOR THE POOL

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William A. Miner
(signature)
WILLIAM A. MINER
(type or print name)



Elizabeth A. Miner
(signature)
ELIZABETH A. MINER
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of April, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William A. Miner and Elizabeth A. Miner

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4-12-94
date

Eric Fochel
NOTARY PUBLIC

My Commission Expires:

6-30-94



3

32

EXAMPLE 3 - Zoning Description

- 3 copies

95-29-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR DO 1903 CAPE MAY RD
(address)
Election District 15 Councilmanic District _____

Beginning at a point on the SOUTH side of CAPE
(north, south, east or west)
MAY RD which is 30'
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 2200' EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street CARVEL GROVERD
(name of street)

which is 30' wide. *Being Lot # _____,
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
_____ as recorded in Baltimore County Plat
(name of subdivision)

Book # _____, Folio # _____, containing

.94 ACRES THENCE SOUTHERLY 180 FT, EASTERLY
(square feet and acres)
260 FT. NORTHERLY 150 FT, WESTERLY 310 FT, RETURNING TO THE
POINT OF BEGINNING.

~~*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber 4931, Folio 0327" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.~~

~~Example of metes and bounds: N.07 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.~~

Plat Requirements

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". Plats must be trimmed or folded to a neat 8-1/2" x 11" size. It shall contain all the information as set forth on the checklist as follows:

1. ___ NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN "PLAN TO ACCOMPANYHEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
2. ___ SCALE OF DRAWING: 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
3. ___ OUTLINE OF PROPERTY: Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
4. ___ VICINITY MAP: A vicinity map must be included on all plats with the scale of 1"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A SEPARATE SHEET; IT MUST BE ON THE SAME SHEET AS THE SITE PLAT!
5. ___ PRIOR ZONING HEARINGS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat for any prior zoning hearings.
6. ___ OWNERSHIP: Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references.
7. ___ LOCATION: Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description on Page 5.
8. ___ STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
9. ___ BUILDINGS: Use, dimensions, height and location of all existing buildings and improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
10. ___ STREET SETBACKS: If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
11. ___ UTILITIES: Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference - Room 206, County Office Building.)
12. ___ FEATURES: Location of streams, storm water management systems drainage, and pipe systems on or within 50 feet of the property.
13. ___ B.O.C.A.: Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
14. ___ SPECIAL REQUIREMENTS: For Special Hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required.

All of the above information MUST be complete and accurate or the petition CANNOT be accepted for filing and another appointment will have to be made!

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-29A

District 15th Date of Posting 8/9/94
Posted for: Variance
Petitioner: William H. Miner
Location of property: 1903 Cape May Rd, S/S at cor. of Wilcox
Location of Signs: Facing road way, on property being zoned
Remarks: _____
Posted by [Signature] Date of return: 8/12/94
Signature
Number of Signs: 1

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-79-A

District 15th Date of Posting 9/10/94

Posted for: Variance

Petitioner: Wm. & Eliz. Minor

Location of property: 1903-9 Copp. May Rd, S/S

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 9/16/94
Signature

Number of Signs: 1

95-79-A

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-29-A
(Item 32)

1903 Cape May Road
S/S Cape May Road, 2200'
El of Carvel Road
15th Election District
7th Councilmanic
Petitioner(s):

William A. Miner and
Elizabeth A. Miner
Hearing: THURSDAY,
September 29, 1994 at
2:00 p.m. in Rm. 118, Old
Courthouse.

Variance to permit a pool
(existing) to be located outside
of the required rear yard area.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the file and/or Hearing, Please
Call 887-3391.
9/040 Sept. 1.

TOWSON, MD.,

Sept. 2, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 1, 1994

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

CRITICAL
AREA

receipt
95-29-A

Account: R-001-6150

Number

32

Date

7/28/94

By JLL

CODE 01 RES. VAR. FILING \$ 50.00

08(1) SIGN POSTING \$ 35.00

TOTAL \$ 85.00

MICROFILMED

OWNER MINER

1903 CAPE MAY RD.

07-002ND3214101000
BA 0011109AM07-29-94

585.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 32
Planner: JLL
Date Filed: 7-28-94

*COPY SENT TO
APPLICANT
ADVISING REAMNT.
8/2/94*

P E T I T I O N P R O C E S S I N G F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

 Need an attorney

 ✓

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or
- printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original
- signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or
- printed name and/or title of person signing for legal
- owner/contract purchaser
- Power of attorney or authorization for person signing for
- legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature)
- and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect
- and/or commission has expired

 ✓

NEEDS RESOLUTION - IS COUNTY EMPLOYEE
(PER CRAIG MCGRAW)

WILLIAM MCGRAW

KEEP
IN FILE

8/2/94

10

WILLIAM AND ELIZABETH WINER.

Item Number: 32
Planner: JLL
Date Filed: 7-28-94

I have been advised that the applicant in this case is a Balto Co. Employee. The applicant is required to contact their County Council office to have a resolution passed for this variance request well in advance

P E T I T I O N P R O C E S S I N G F L A G

If this does not occur it will not allow the case to go forward.

of any zoning hearing.

John D. Lewis J.L. LEWIS

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

✓

The following information is missing:

- _____ Descriptions, including accurate beginning point
- _____ Actual address of property
- _____ Zoning
- _____ Acreage
- _____ Plats (need 12, only _____ submitted)
- _____ 200 scale zoning map with property outlined
- _____ Election district
- _____ Councilmanic district
- _____ BCZR section information and/or wording
- _____ Hardship/practical difficulty information
- _____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- _____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- _____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- _____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- _____ Notary Public's section is incomplete and/or incorrect and/or commission has expired

✓

NEEDS RESOLUTION - IS COUNTY EMPLOYEE
(PER CRAIG MCGRAW)

PET-FLAG (TKTSOPH)
11/17/93

For any questions
Call 887-3391
JOHN LEWIS

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 32

Petitioner: William A Miner

Location: 1903 CAPE MAY Rd. 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DEWIS PRESTIANWILL

ADDRESS: 1903 CAPE MAY Rd 21221

PHONE NUMBER: 780 0263

MICROFILMED

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 4, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: William and Elizabeth Miner
1903 Cape May Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 95-29-A (Item 32)
1903 Cape May Road
S/S Cape May Road, 2200' E of Carvel Road
15th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 7, 1994. The closing date (August 22, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director



TO: PUTTUXENT PUBLISHING COMPANY
September 1, 1994 Issue - Jeffersonian

Please forward billing to:

William and Elizabeth Miner
1903 Cape May Road
Baltimore, Maryland 21221
686-6218

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-29-A (Item 32)
1903 Cape May Road
S/S Cape May Road, 2200' E of Carvel Road
15th Election District - 7th Councilmanic
Petitioner(s): William A. Miner and Elizabeth A. Miner

Variance to permit a pool (existing) to be located outside of the required rear yard area.

HEARING: WEDNESDAY, SEPTEMBER 29, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 26, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Variance to permit a pool (existing) to be located outside of the required rear yard area.

HEARING: WEDNESDAY, SEPTEMBER 29, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: William and Elizabeth Miner

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

10/1/94 11:00 AM



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 22, 1994

(410) 887-3353

Mr. & Mrs. William A. Miner
1903 Cape May Road
Baltimore, MD 21221

RE: Item No. 32, Case No. 95-29-A
Petitioner: William A. Miner, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Miner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 28, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

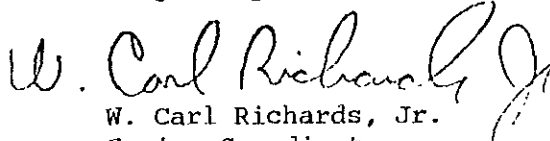
1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

MICROFILMED



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

8-2-94

JULIE WINIARSKI:
Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *32 (JLL)

WINIARSKI:
Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID H. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

RECEIVED

AUG 2 1994

ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building,
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 25, 26, 27, 30, 31, 32,
23 AND 34.

RECEIVED
AUG 9 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

95-27
August 16, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #32 - Miner Property
1903 Cape May Road
Zoning Advisory Committee Meeting of August 8, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

It is our finding that the proposed pool is not in compliance with Chesapeake Bay Critical Area regulations due to the fact that it will be located in the 100 foot buffer to Hogpen Creek. This Department cannot support the proposed pool location due to the close proximity of the pool to Hogpen Creek and the fact that sufficient room exists outside the 100 foot buffer in which to locate the pool. The variance applicant may contact Environmental Impact Review at 887-3980 for additional information.

/

JLP:PMF:sp

c: Mr. William A. Miner

MINER/DEPRM/TXTSBP

✓

85-2904
159

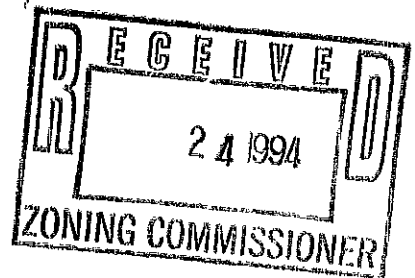
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 18, 1994

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #32 - Miner Property
1903 Cape May Road
Zoning Advisory Committee Meeting of August 8, 1994



The Department of Environmental Protection and Resource Management offers the following revised comments on the above-referenced zoning item, based upon new information provided by the property owner.

It is our finding that the "proposed" pool is in compliance with the Chesapeake Bay Critical Area regulations. The "proposed" pool was placed in the 100 foot buffer to Hogpen Creek prior to December 1, 1985 and, therefore, is grandfathered from the above regulations.

JLP/PMF/tmm

c: Mr. William A. Miner

MINER/DEPRM/WQBCA

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1994

95-29

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 24, 25, 26, 29, 30, 31, 32, 33 and 34.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Edna L. Kerns

PK/JL:lw

RECEIVED
AUG 15 1994

Given 95-29-A

In view of the
Dep'm & Z.A.C.
comment; which
recommends
denial & not just
additional
study, Set
m for Hearing

JSS



County Council of Baltimore County

Court House, Towson, Maryland 21204

(410) 887-3196

Fax (410) 887-5791

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

C.A. Dutch Ruppersberger, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Donald C. Mason
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

September 14, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner
Court House
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 82-94 concerning the public disclosure of William A. Miner, an employee of the Baltimore County Office of Law. Mr. Miner has applied for an administrative variance in order to install a pool at his property located at 1903 Cape May Road.

This Resolution was unanimously approved and is being forwarded to you for appropriate action.

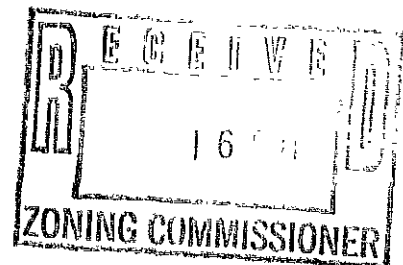
Sincerely,

A handwritten signature in cursive script, reading "Thomas J. Peddicord, Jr.", written in dark ink.

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp

cc: Mr. William A. Miner



8867501 11-1-94

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 16
RESOLUTION NO. 82-94

MR. VINCENT J. GARDINA, COUNCILMAN

BY THE COUNTY COUNCIL, September 7, 1994

A RESOLUTION concerning the public disclosure of William A. Miner, an employee of the Baltimore County Office of Law.

WHEREAS, William A. Miner, an employee of Baltimore County, has applied for an administrative variance in order to install a pool at his property located at 1903 Cape May Road, Baltimore, Maryland 21221; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a variance filed by William A. Miner does not contravene the public welfare and is hereby authorized.

R08294/RES94

RECEIVED

Item 32

7/28/94

To Whom it may Concern -

This is to let any concerning individuals know, that the reason the above ground swimming pool was placed at or on the "so called" side of the property (at 1903 Cape May Road), is because, according to the property lines, and the direction the house is sitting, our hardship is such of that - our "so called" Backyard is the next-door-neighbors paved driveway.

Thank you for understanding,
me D. Frustanne.

MICROFILMED

I, William Miner, owner of 1905
Cape May Rd. Baltimore, Md 21221
give permission to Dennis Prestanmi
to construct a deck around an existing
above ground pool.

William A. Miner

STATEMENT OF SUPPORT.

We, the neighbors of 1905
CAPE MAY RD. ARE AWARE, AND
HAVE NO GRIEVANCES TO THE CONSTRUCTION
OF A DECK AROUND AN EXISTING ABOVE
GROUND SWIMMING POOL.

1. William N. Smith 1907 CAPE MAY RD.

2.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

WILLIAM A. MINER

1903 CAPE MAY RD

DENNIS PRESTIANNI

1903 CAPE MAY Rd.



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1903 CAPE MAY RD.

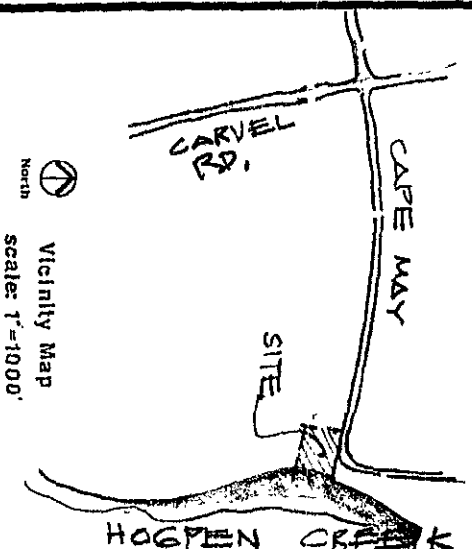
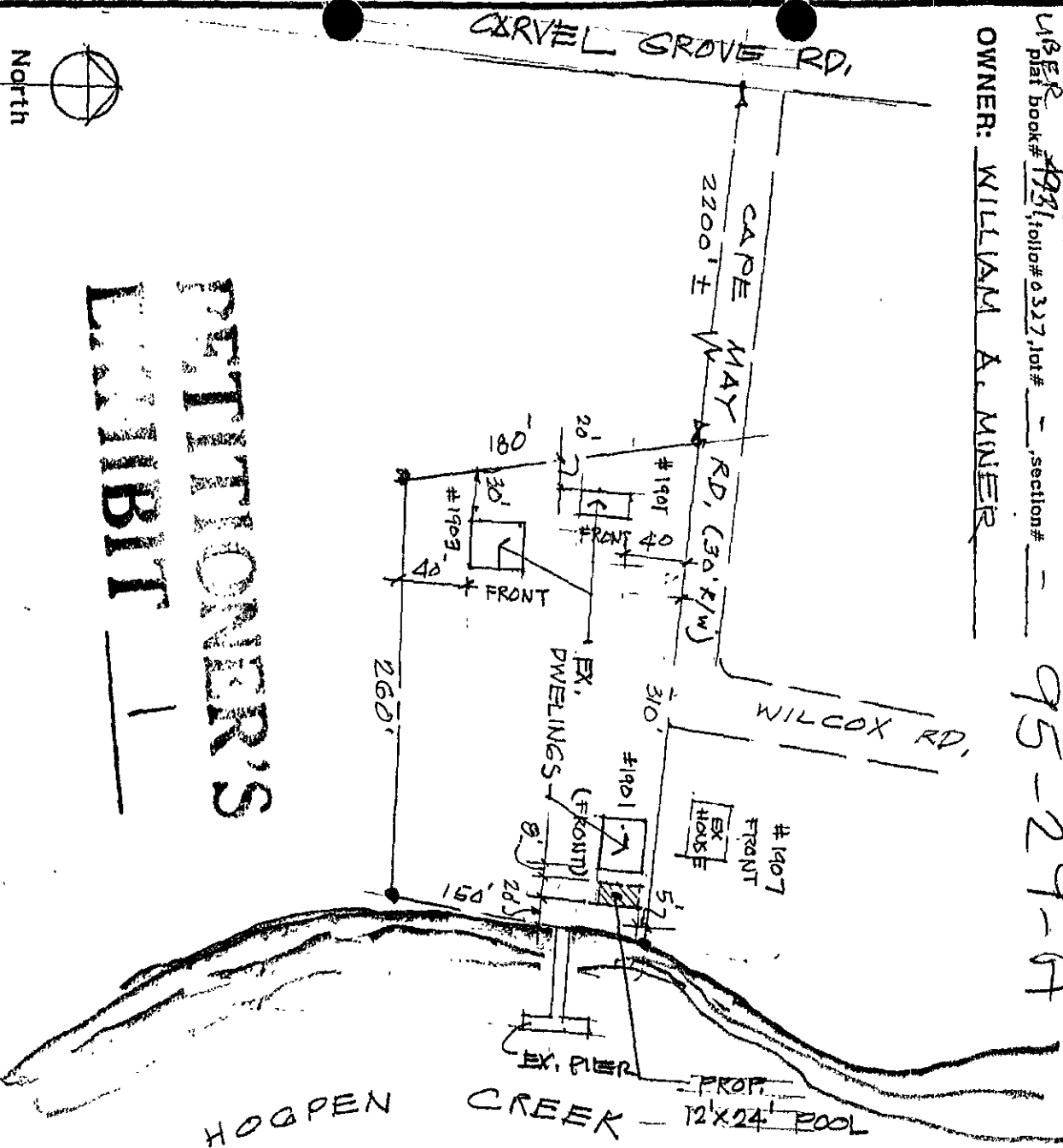
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

WBE# 1931, folio # 0327, lot # _____, section # _____

95-29-7

OWNER: WILLIAM A. MUIER



LOCATION INFORMATION

Election District: 15
Councilmanic District: 5

T=200' scale map#: NE-JL

Zoning: DR 3.5

Lot size: 0.94 acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ YES ☐ NO

Chesapeake Bay Critical Area: ☒ YES ☐ NO

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

Reviewed by: _____ ITEM #: _____ CASE#: _____

PETITIONER'S
EXHIBIT 1

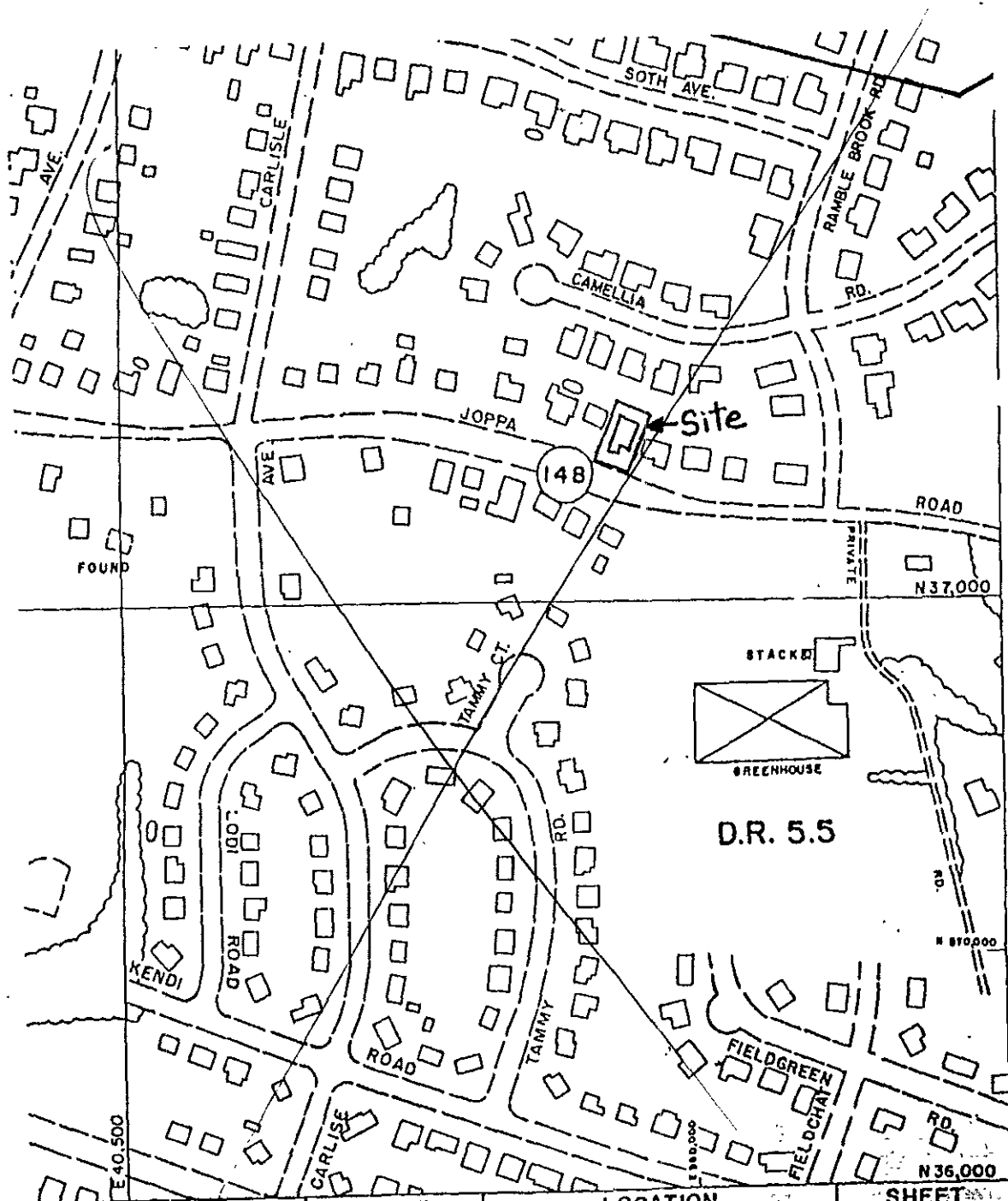
North
date: _____

prepared by: D. Restani

Scale of Drawing: 1"=100'

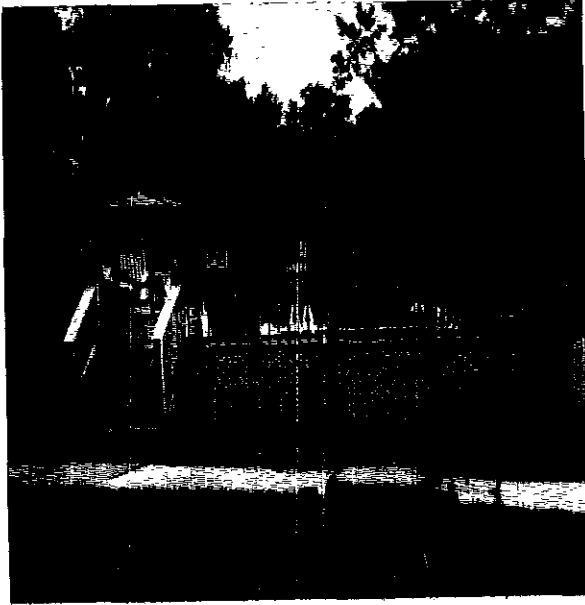
EXAMPLE 4 - Zoning Map

- 1 copy

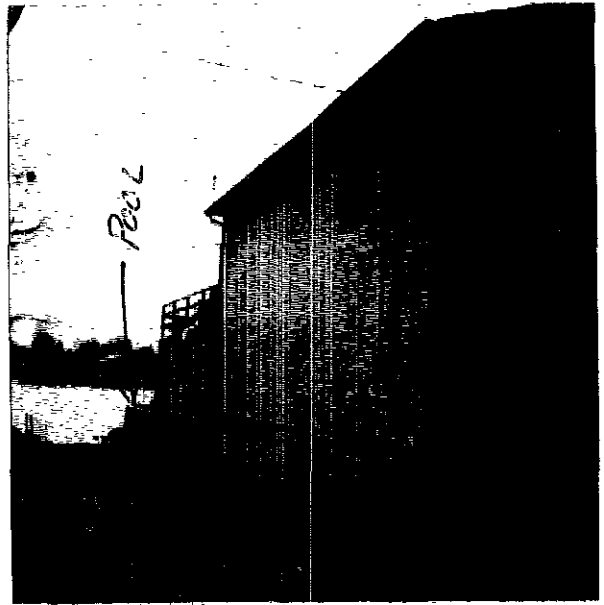


SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		10-G

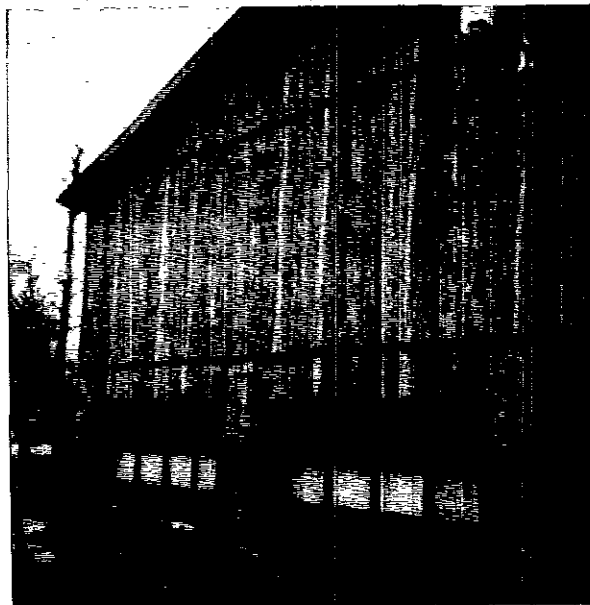
95-29-A



Item 32



REAR



Side

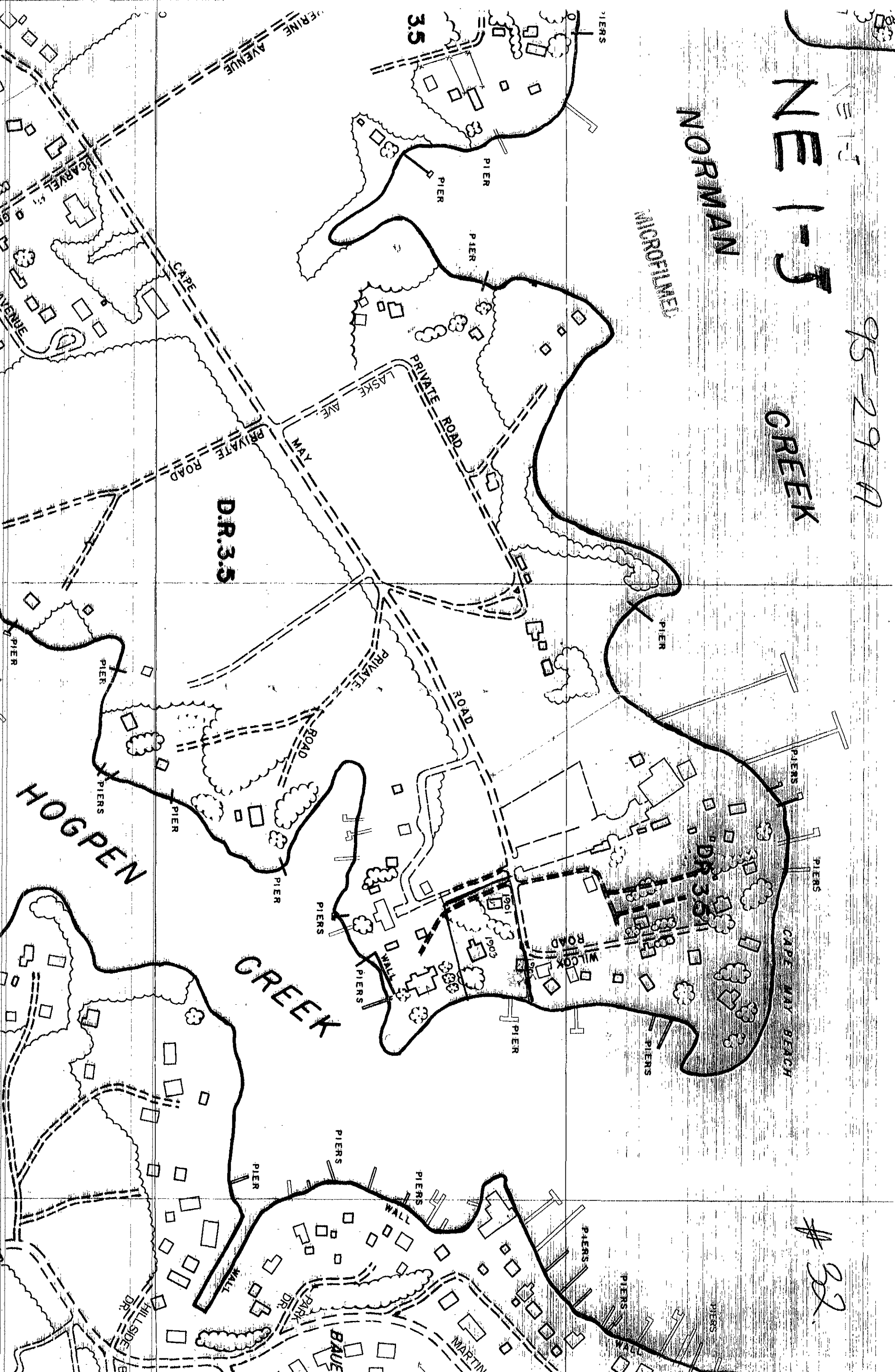
95-29-A

NE 1-5

CREEK

NORMAN

MICROFILMED



22



95-29-A

NE 1 J.
32,
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BACK RIVER NECK
CAPE MAY

SHEET
N.E.
1-J

MICROFILMED

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
1/3 Cape May Road, 2200' E of * DEPUTY ZONING COMMISSIONER
Carvel Road * OF BALTIMORE COUNTY
(1903 Cape May Road) * Case No. 95-29-A
15th Election District
7th Councilmanic District
William A. Miner, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1903 Cape May Road, located in the Back River Neck area of southeastern Baltimore County. The Petition was filed by the owners of the property, William A. and Elizabeth A. Miner. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing swimming pool and attached deck to be located outside of the required rear yard area. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

It is to be noted that this matter originally came before the Zoning Commissioner's Office through the administrative variance process; however, because this office received negative comments from the Department of Environmental Protection and Resource Management (DEPRM), the matter was scheduled for a public hearing to determine the appropriateness of the relief sought.

Appearing at the public hearing held before me on behalf of the Petition were William A. Miner, legal owner, and Dennis Prestianni, who resides on the property. No one appeared in opposition to the request.

Testimony and evidence offered revealed that the subject property consists of 0.94 acres, more or less, zoned D.R. 3.5 and is improved with three dwellings and a swimming pool. The property is located within the Chesapeake Bay Critical Areas on Hogpen Creek. The dwelling and swimming pool which are the subject of this case are known as 1903 Cape May Road and are located towards the front of the property, approximately 20 feet from the water line. Testimony revealed that Mr. Prestianni resides on the property and that in 1985, he placed an above-ground swimming pool on the side of the dwelling adjacent to the water. He recently erected a deck around the perimeter of the pool. The instant Petition was filed to legitimize the location of the pool, which, pursuant to the B.C.Z.R., is required to be located in the rear yard.

Testimony indicated that the pool was erected in the side yard because the existing dwelling is located close to the rear property line. Initial comments from the Department of Environmental Protection and Resource Management (DEPRM) recommended a denial of the relief requested because the pool is located within the required 100-foot buffer from Hogpen Creek. In fact, it appears that the dwelling itself is located within this 100-foot buffer. After further discussing the matter with the Petitioners, DEPRM revised its comments and agreed to "grandfather" the pool, inasmuch as it was constructed prior to the effective date of Critical Areas legislation which governs development on or near the Chesapeake Bay and its tributaries. There being no adverse comments submitted by any Baltimore County reviewing agency and no opposition from any adjoining property owner, it appears that the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. As noted above, the subject pool has existed in its present location for nearly 10 years without any complaints from surrounding property owners. Furthermore, it has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and to require strict compliance with the zoning regulations would cause undue hardship upon the Petitioners. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of October, 1994 that the Petition for

Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing swimming pool and attached deck to be located outside of the required rear yard area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that a 30-day appeal period is in effect from the date of this Order. In the event the decision in this matter is appealed and this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 10/26/94
By [Signature]

- 2 -

- 3 -

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 26, 1994

(410) 887-4386

Mr. William A. Miner
1905 Cape May Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Cape May Road, 2200' E of Carvel Road
(1903 Cape May Road)
15th Election District - 7th Councilmanic District
William A. Miner, et ux - Petitioners
Case No. 95-29-A

Dear Mr. Miner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Dennis Prestianni
1903 Cape May Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1903 CAPE MAY RD
which is presently zoned DR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (B.C.R.) TO PERMIT A POOL TO BE LOCATED OUTSIDE OF THE REQUIRED REAR YARD AREA. DR

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
THE ZONING REGULATIONS CANNOT BE MET ON MY PROPERTY DUE TO INSUFFICIENT AREA BECAUSE BACK YARD IS INSUFFICIENT FOR POOL

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

Signature

Address

City

State

Zip

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

William A. Miner

Elizabeth A. Miner

ELIZABETH A. MINER

ELIZABETH A. MINER

1903 CAPE MAY RD

BALTO

MD 21221

410-2121

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Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently reside at 1903 CAPE MAY RD

BALTO MD 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

THE ZONING REGULATIONS CANNOT BE MET ON MY PROPERTY DUE TO INSUFFICIENT AREA FOR THE POOL

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THE ZONING REGULATIONS CANNOT BE MET ON MY PROPERTY DUE TO INSUFFICIENT AREA FOR THE POOL

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9/1/94
Posted for: Variances
Petitioner: William A. Miner
Location of property: 1903 Cape May Rd. St. at Craig W. Hwy
Location of Signs: Along road way on property being zoned
Remarks: None
Posted by: Signature Date of return: 9/1/94
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9/1/94
Posted for: Variances
Petitioner: William A. Miner
Location of property: 1903 Cape May Rd. St. at Craig W. Hwy
Location of Signs: Along road way on property being zoned
Remarks: None
Posted by: Signature Date of return: 9/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept 2, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 1, 1994

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case #95-29-A (Item 32)
1903 Cape May Road, 2200' E of Carvel Road
15th Election District - 7th Councilmanic District
Petitioner(s): William A. Miner and Elizabeth A. Miner
Hearing: Wednesday, September 29, 1994 at 2:00 p.m. in Rm. 118, Old Courthouse.
Variance to permit a pool (existing) to be located outside of the required rear yard area.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) Offer information concerning the file and/or hearing, please call 887-3351, 9:00 a.m. - 5:00 p.m.

CRITICAL AREA
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 7/29/94 Account: R.O.C. 1-6150 Number: 32
CONE OF RES. VAR. FILING \$50.00
08(1) SEN ZONING \$35.00
TOTAL \$85.00

CHECK MINER
1903 CAPE MAY RD.

Please Make Checks Payable To: Baltimore County

Item Number: 32
Planner: JLL
Date Filed: 7-28-94

COPY SENT TO
AFFIDAVIT
ADVISING RGAMT.
8/2/94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney ✓
The following information is missing:
_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BCZR section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
_____ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
_____ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
_____ Notary Public's section is incomplete and/or incorrect and/or commission has expired
_____ NEEDS RESOLUTION - IS COUNTY EMPLOYEE
(PER CRAIG MCGRAW)

PET-FLAG (TXTSOPH)
11/17/93

8/2/94 WILLIAM AND ELIZABETH MINER
I have been advised that the applicant in this case is a Balto Co. Employee. The applicant is required to contact their County Council office to have a resolution passed for the variance request within advance hearing.
If any zoning case is go forward.
J. D. Lewis J. Lewis

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_____ Notary Public's section is incomplete and/or incorrect and/or commission has expired
_____ NEEDS RESOLUTION - IS COUNTY EMPLOYEE
(PER CRAIG MCGRAW)

PET-FLAG (TXTSOPH)
11/17/93
J. D. Lewis J. Lewis
Call 887-3391
JOHN LEWIS

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 32
Petitioner: William A. Miner
Location: 1903 CAPE MAY RD 21221
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DEWANE PRESIANNI
ADDRESS: 1903 CAPE MAY RD 21221
PHONE NUMBER: 780 0263

AJ:gg8

(Revised 04/09/93)

TO: PUTOMBY PUBLISHING COMPANY
September 1, 1994 issue - Jeffersonian

Please forward billing to:

William and Elizabeth Miner
1903 Cape May Road
Baltimore, Maryland 21221
686-6218

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-29-A (Item 32)
1903 Cape May Road
S/S Cape May Road, 2200' E of Carvel Road
15th Election District - 7th Councilmanic District
Petitioner(s): William A. Miner and Elizabeth A. Miner

Variance to permit a pool (existing) to be located outside of the required rear yard area.

HEARING: WEDNESDAY, SEPTEMBER 29, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
AUGUST 26, 1994
(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Petitioner(s): William A. Miner and Elizabeth A. Miner

Variance to permit a pool (existing) to be located outside of the required rear yard area.

HEARING: WEDNESDAY, SEPTEMBER 29, 1994 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: William and Elizabeth Miner

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
August 22, 1994
(410) 887-3353

Mr. & Mrs. William A. Miner
1903 Cape May Road
Baltimore, MD 21221

RE: Item No. 32, Case No. 95-29-A
Petitioner: William A. Miner, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Miner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 28, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

8-2-94

JULIE WINIARSKI:
Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
WINIARSKI

Re: Baltimore County
Item No.: #32 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID H. KENNEDY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

RECEIVED
AUG 2 1994

ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshall's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 23,26,29,30,31,32,
33 AND 34.

REVIEWER: LT. ROBERT P. SAUERHOLD
Fire Marshal Office, PHONE 887-4881, HS-1102F

cc: File

RECEIVED
AUG 9 1994

ZADM

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

August 16, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #32 - Miner Property
1903 Cape May Road
Zoning Advisory Committee Meeting of August 8, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

It is our finding that the proposed pool is not in compliance with Chesapeake Bay Critical Area regulations due to the fact that it will be located in the 100 foot buffer to Hogpen Creek. This Department cannot support the proposed pool location due to the close proximity of the pool to Hogpen Creek and the fact that sufficient room exists outside the 100 foot buffer in which to locate the pool. The variance applicant may contact Environmental Impact Review at 887-3980 for additional information.

JLP:PMF:sp

c: Mr. William A. Miner

MINER/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 18, 1994

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #32 - Miner Property
1903 Cape May Road
Zoning Advisory Committee Meeting of August 8, 1994

RECEIVED
24 1994
ZONING COMMISSIONER

The Department of Environmental Protection and Resource Management offers the following revised comments on the above-referenced zoning item, based upon new information provided by the property owner.

It is our finding that the "proposed" pool is in compliance with the Chesapeake Bay Critical Area regulations. The "proposed" pool was placed in the 100 foot buffer to Hogpen Creek prior to December 1, 1985 and, therefore, is grandfathered from the above regulations.

JLP/PMF/tmm

c: Mr. William A. Miner

MINER/DEPRM/MQCBGA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 24, 25, 26, 29, 30, 31, 32, 33 and 34.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Lewis*

PK/JL:lw

ZAC.24/PZONE/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 4, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: William and Elizabeth Miner
1903 Cape May Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 95-29-A (Item 32)
1903 Cape May Road
5/5 Cape May Road, 2200' E of Carvel Road
15th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 7, 1994. The closing date (August 22, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

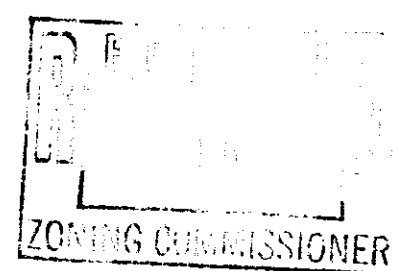
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon
Arnold Jablon
Director

Printed on Recycled Paper

*Item 95-29-A
In view of the
Dep. M. & ZAC
comment, which
recommends
denial & not just
additional
study, set
in for hearing
JLS*



R08294/RES94

Thank you for understanding,
me D. Postanski.

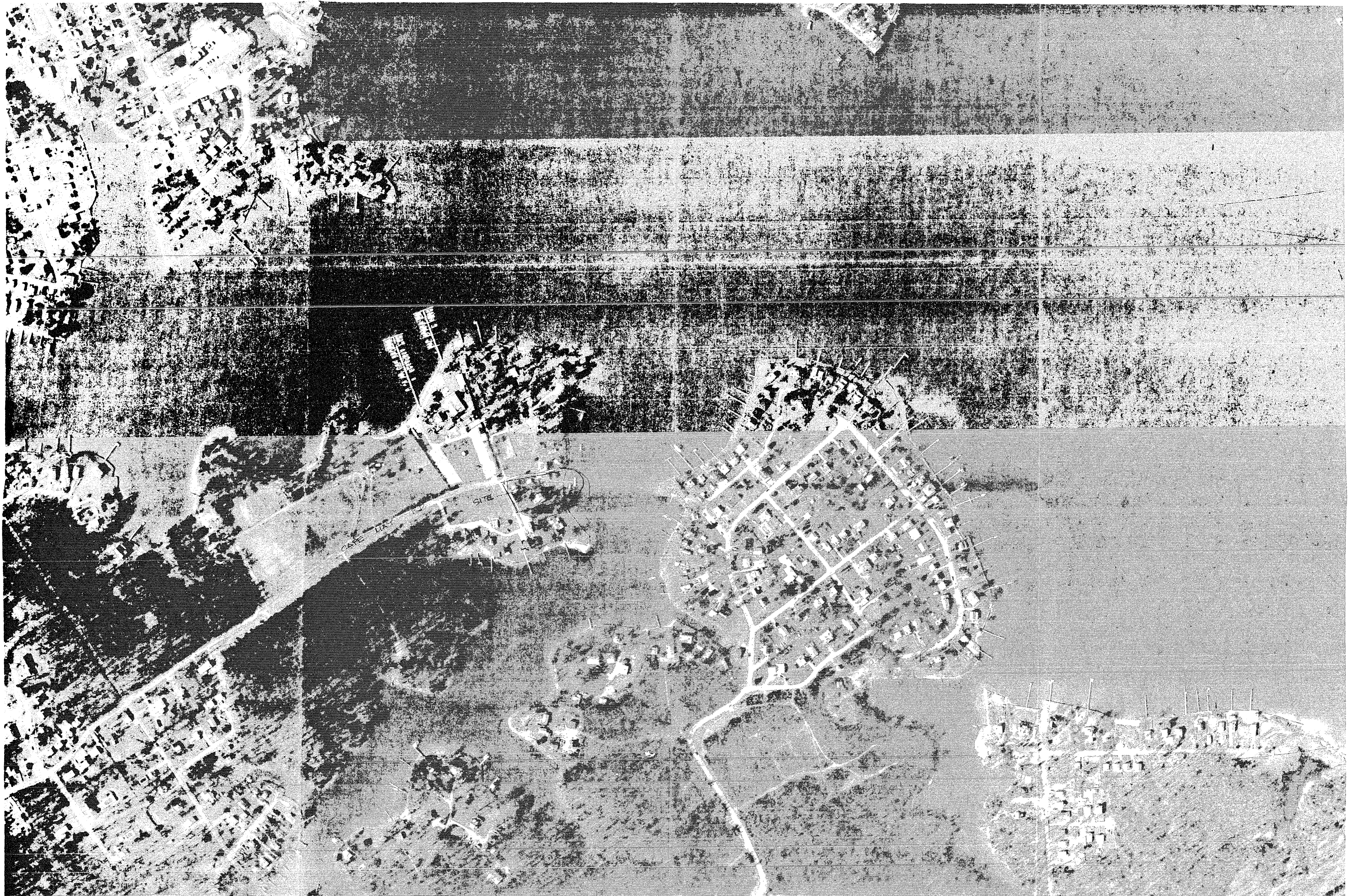
2.

[illegible]

FEAR

Zoning Office USE ONLY!
 reviewed by: ITEM #: CASE#:
 [Signature] 32





95-29-A

NE 1/4
32.

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER NECK	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	CAPE MAY	I-J